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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,439	03/26/2001	Eric S. Wise	36287-01301	9121
27171	7590	11/22/2005		
MILBANK, TWEED, HADLEY & MCCLOY 1 CHASE MANHATTAN PLAZA NEW YORK, NY 10005-1413			EXAMINER APPLE, KIRSTEN SACHWITZ	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,439

Applicant(s)

WISE ET AL.

Examiner

Kirsten S. Apple

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/18/01 and 9/23/02
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Detailed Action

This action is in response to the application filed on 03/26/2001.

Priority

Acknowledgment is made of applicant's claim for prior priority date of U.S. Provisional Patent Application 60/245,476 filed on 11/03/2000.

Drawings

The drawings are objected to because:

- 1) FIG 18, item 1808 is listed on the drawing as "Assets (accounts receivables)" while in the specification is listed as "credit card receivables (1808)" [page 8, line 9]
- 2) Similarly, in FIG 18, item 1810 is listed on the drawing as "Assets (accounts receivables)" while in the specification is listed as "mortgages (1810)" [page 8, line 10]

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1-44 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In particular, in claims 1-7, 11-14, 18-21, 26, 28-32, 35-38 it remains unclear to the examiner how "calculating the liquidity requirement" is accomplished. Both the necessary formula and a clear simple example of these calculations in full needs to be provided in the specification.

In claim 8 [page 31] it remains unclear to the examiner what "characteristics of the assets" are to be used and how are they "considered."

In claim 9 [page 31] it remains unclear to the examiner how this differs from claim 1 as claim 1 already states "of at least one financial institution" and "less than the full liquidity requirements"

In claim 15-17, 39-44 it remains unclear to the examiner how "less than full liquidity is calculated"

In claim 22 [page 37-38] it remains unclear to the examiner how "monte-carlo technique" is use. To use Monte-carlo one must determine what variable is being solved for and what variable are being altered. Without a concrete example this is unclear.

In claim 10, 23-25, 27, 33-34 it remains unclear to the examiner what is done and clear simple example is needed.

A clear and simple example with each step described in simple terms within the specification is needed for Claims 1-44 to be understandable to the examiner.

For the purposes of compact review the examiner used her best understanding of the specification and claims to review the case.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field (U.S. Patent 6,073,104) in view of Emery (*"The Measure of Liquidity"*, *Journal of Accounting Research*, Vol. 20, No. 2, Part I)

Field discloses an asset-backed commercial paper system showing statistical information with net collectible value matrix showing the percentage of claims actually paid by individuals payers; and a collection histogram showing the timing of the payers payments from the date of initial billing.

Although Fields does not disclose using the collected data to “calculate liquidity” Emery clearly reviews past and proposes new measures of liquidity.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to calculate liquidity for commercial paper (conduits).

It is clear that any financial services organization would be motivated to calculate liquidity for commercial paper to decrease the risk of their investments and allow them to potentially minimize the guarantee or collateral necessary.

Examiner Note

The examiner would like to note for the record that they were unable to find any formula or algorithm used for the “calculation(s)” of liquidity. Figure 4 and Figure 7 are the start of a formula but are incomplete. The examiner will note it is not necessary to have a formula or algorithm in an application, however the understanding of this particular patent by the examiner would be aided by such information. Therefore, if a formula or algorithm does exist for this invention the examiner request that the applicant either clearly point out where it is located in the application or add this additional information to a revised version.

Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 571.272.6799. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa


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